

## **CHAPTER 13**

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## **Part 1**

### **Amusements**

#### **§13-101. License Required to Operate or Conduct Certain Amusements and Exhibitions.**

On and after the effective date of this Part, it shall be unlawful for any person, association or corporation to engage in or thereafter to begin to engage in the operation of or conducting of a theatrical exhibition, amusement, dances at which an admission or other fee is charged, or other exhibition, until and unless a license has been issued as hereinafter prescribed. (Ord. 6136-A, 3/6/1961, §1)

#### **§13-102. Definitions.**

The words "theatrical exhibitions, amusements, and other exhibitions as used herein shall be interpreted as including, but not limited to, theatrical performances, operatic performances, motion picture exhibitions with or without accompanying sound effects, museums, carnivals, circuses, shows, side shows, vaudeville, swimming or bathing pools and amusement parks and all forms of entertainment herein. (Ord. 6136-A, 3/6/1961, §2)

#### **§13-103. Application for License; Fee.**

The license provided for herein may be obtained from the Mayor upon payment of an application fee of \$50 for a license applied for prior to July one of any year or \$25 for a license applied for after July one of any year and upon the filing of an application setting forth the nature of the theatrical exhibition, amusement, dance or other exhibition to be conducted and the location of the same and any other information which the Mayor may require. The application shall be signed or verified by the oath or affirmation of the owner or an executive officer for the owner. (Ord. 6136-A, 3/6/1961, §3; as amended by Ord. 121, 6/13/1968, §2; as amended by Ord. 1028-85, 8/12/1985)

#### **§13-104. Investigation of Application.**

Upon receipt of such an application and the application fee, the Mayor shall cause an investigation to be made of the nature of the proposed amusement or exhibition, the condition of the premises and such other facts as may be deemed by him to be necessary for the purpose of ascertaining whether the same may be conducted lawfully and without endangering the lives or health of prospective patrons. (Ord. 6136-A, 3/6/1961, §4; as amended by Ord. 121, 6/13/1968, §1)

**§13-105. Issuance of License; Duration.**

When upon said investigation the Mayor determines that the proposed exhibition, amusement or other exhibition may be conducted lawfully and without endangering the health or safety of proposed patrons and when he further shall ascertain that the applicant is not indebted to the Borough for taxes or for license fees of any kind or nature whatsoever, he shall issue a license for such exhibition, amusement or dance, to expire on the 31st day of January of the next succeeding January. (Ord. 6136-A, 3/6/1961, §6; as amended by Ord. 121, 6/13/1968, §1)

**§13-106. Suspension or Revocation of License.**

The Mayor in his discretion may suspend and the Borough Council after hearing may revoke any such license whenever it is found that the holder thereof is conducting his said theatrical exhibition, amusement, dances or other exhibitions in an unlawful manner or in a manner not in accordance with the representations made in his application for such license or has failed to pay unto the Borough of Gettysburg any taxes or assessments or any utility charges when due. (Ord. 6136-A, 3/6/1961, §6; as amended by Ord. 121, 6/13/1968, §1)

**§13-107. Enforcement; Access to Premises.**

The Mayor hereby is charged with the enforcement of this Part and he and/or any other Borough officer or employee designated by him shall have access to the premises of the licensee for inspection purposes at any and all times. (Ord. 6136-A, 3/6/1961, §7; as amended by Ord. 121, 6/13/1968, §1)

**§13-108. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)

## **Part 2**

### **Battlefield Guides**

#### **§13-201. License Required to Solicit as Battlefield Guide.**

It shall be unlawful for any person to solicit on any of the streets, alleys, public squares, sidewalks or other public places in the Borough of Gettysburg for the purpose of securing employment for himself or for any other person or persons until he shall have been licensed to solicit as a battlefield guide by the Borough. Such license shall be issued by the Mayor upon payment of a fee of \$5 and shall be valid for one year from date of issue unless sooner revoked by the Mayor. Provided: such licenses shall be issued only to persons who shall have received written permission from the Gettysburg National Military Park Commission to act as guides over the battlefield of Gettysburg, and in the event that permission for any individual to act as a battlefield guide shall be withdrawn by the Gettysburg National Military Park Commission, the Borough license issued hereunder to such individual shall be immediately revoked. (Ord. 135, 6/13/1968, §1)

#### **§13-202. Unlawful Means of Soliciting as Battlefield Guide.**

No licensed battlefield guide shall solicit on any of the streets, alleys, public squares, sidewalks or other public places in the Borough:

1. At any point on any crossing or street intersection, or within 10 feet thereof;
2. At any point in Lincoln Square, more than 25 feet from the curb line of said Square;
3. At any point upon any street or alley more than 10 feet from the curb line of such street or alley;
4. At any point upon any sidewalk, whether a Borough sidewalk or otherwise, where the owner or occupant of the sidewalk or of the property abutting or fronting thereon objects to such soliciting.

(Ord. 135, 6/13/1968, §2)

#### **§13-203. Prohibited Acts by Licensed Battlefield Guides.**

No licensed battlefield guide, while soliciting on any street, alley, public square, sidewalk or other public place in the Borough, shall prominently display any badge to, or make any commanding gesture of the hand to, the operator or any occupant of any moving motor vehicle. (Ord. 135, 6/13/1968, §3)

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### **§13-204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)

## **Part 3**

### **Junk Dealers**

#### **§13-301. Definitions and Interpretation.**

1. Junk – as used in this Part 3, shall mean any discarded material or article such as is not ordinarily disposed of as rubbish or refuse, and shall include, but not be limited to, scrap metal and scrapped motor vehicles, and shall not include any garbage or other organic waste, or any paper, rubbish, rags or other flammable article or material.
2. Junk Dealer – as used in this Part, shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying and dealing in junk from a fixed location in the Borough.
3. Person – as used in this Part, shall mean any natural person, partnership, firm or corporation.
4. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 6652-A, 5/2/1966, §1; as amended by Ord. 1028-85, 8/12/1985)

#### **§13-302. Junk Dealers to Obtain Licenses.**

No person shall engage in business as a junk dealer in the Borough of Gettysburg without first having obtained a license from the Borough Manager, for which license the fee shall be \$150. The license shall be issued for the 12 month period beginning July 1 and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year. Provided: in any case where a junk dealer's business shall be established in the Borough on or after the first day of January in any year, the license fee payable by such junk dealer for the remainder of such year shall be at one-half the yearly rate. (Ord. 6652-A, 5/22/1966, §2; as amended by Ord. 1028-85, 8/12/1985)

#### **§13-303. Application for License; Issuance.**

The license provided for in §13-302 of this Part 3 shall be issued by the Borough Manager after application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises from which such business is to be conducted. A bond shall be posted in accordance with §13-309. Such license shall be posted conspicuously upon the premises licensed thereunder. (Ord. 6652-A, 5/2/1966, §3; as amended by Ord. 1028-85, 8/12/1985)

**§13-304. License Valid Only for Operation in Place Designated Thereon.**

No person licensed under this Part 3 shall engage in business as a junk dealer in any place other than the place designated upon his license. (Ord. 6652-A, 5/2/1966, §4)

**§13-305. Conditions for Transfer of License.**

No license issued under this Part 3 shall be transferable from one person to another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee of \$10. (Ord. 6652-A, 5/2/1966, §5)

**§13-306. Records Required; Records and Junk Purchased Subject to Inspection.**

Every junk dealer shall provide and shall constantly keep a book in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase or receipt, and the person from whom such article or material was purchased or received. Such book and all junk purchased, received or handled by any junk dealer shall at all times be subject to the inspection of the Chief of Police and any other official of the Borough of Gettysburg. (Ord. 6652-A, 5/2/1966, §6)

**§13-307. Junk to be Retained, Unaltered, for at Least 48 Hours After Acquisition.**

Every junk dealer, licensed under this Part 3, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed. (Ord. 6652-A, 5/2/1966, §7)

**§13-308. Manner of Maintenance of Premises.**

Every junk dealer licensed under this Part 3 shall constantly maintain the licensed premises in the manner prescribed by this section, as follows:

1. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
2. No garbage or other organic waste, and no paper, rubbish, rags or other flammable articles or materials shall be stored in such premises.

3. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom, and none shall be permitted to remain upon the premises.
4. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.
5. No junk shall be stored on the licensed premises within 25 feet of the property lines.
6. The licensed premises shall, whenever the Borough Council shall deem it necessary and desirable, be enclosed by a fence of a type and style to be determined by the Borough Council or by evergreen screen plantings, or both.

(Ord. 6652-A, 5/2/1966, §8; as amended by Ord. 1028-85, 8/12/1985)

#### **§13-309. Bond Required.**

Any person who desires a license as a junk dealer shall post a performance bond of \$25,000 before a license shall be issued. (Ord. 1028-85, 8/12/1985)

#### **§13-310. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 3 continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)



## **Part 4**

### **Transient Retail Business**

#### **§13-401. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PERSON — any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS –

- (1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house within the Borough of Gettysburg.
  - (2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough of Gettysburg, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for yearly holidays.
2. As used herein the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 1198-97, 9/8/1997, §401)

#### **§13-402. License Required; Conditions of Issuance; Fee.**

No person shall engage in any transient retail business within the Borough of Gettysburg without first having obtained from the Mayor a license, for which a fee, which shall be for the use of the Borough, shall be charged in an amount as established by resolution of the Borough Council. (Ord. 1198-97, 9/8/1997, §403)

#### **§13-403. Exceptions.**

No license fee shall be charged:

- A. To farmers selling their own produce.
  - B. For the sale of goods, ware and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

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- C. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- D. To the seeking or taking of orders by insurance agents or brokers
- E. To any person who has complied with the provisions of the Charitable Organization Reform Act, 63 P.S. §160.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

But all person exempted hereby from the payment of the license fee shall be required to register with the Mayor and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other foods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain license for the applicants.

(Ord. 1198-97, 9/8/1997, §403)

### **§13-404. License Application.**

Every person desiring a license under this Part shall first make application to the Mayor for such license. He shall, when making such application, exhibit a valid license from any State or County officer, if such license is also required. The applicant shall state:

- A. His name, address, date of birth and Social Security number.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle to be used, if any.
- F. Location where transient sales will be conducted.

(Ord. 1198-97, 9/8/1997, §404)

**§13-405. Issuance of License; Custody, Display and Exhibit.**

Upon receipt of such application and the prescribed fee, the Mayor if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough of Gettysburg. (Ord. 1198-97, 9/8/1997, §405)

**§13-406. Prohibited Acts.**

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Engage in any business activity at a location, a time or in a manner not specifically permitted in his license.
- C. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough of Gettysburg.
- D. When operating from a vehicle, stop or park such vehicle upon any of the streets or alley in violation of the Pennsylvania Vehicle Code or Gettysburg Borough ordinance.
- E. Remain stationary at any location for a period longer than permitted under Gettysburg Borough ordinance.
- F. Engage in any business activity, except by prior appointment, at any time before 9:00 a.m. or after 8:00 p.m.
- G. Maintain any transient retail business related equipment, accessories or vehicles at a public location between the hours of 8:00 p.m. and 9:00 a.m.
- H. Conduct any such business while his license is suspended, revoked or expired.
- I. Block or unreasonably impede vehicular or pedestrian traffic.

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- J. Use any transient retail business related equipment, accessories or vehicles, or any combination thereof, larger than 15 feet in length, four feet in width and eight feet high.
- K. Extend any cord, hose, tube, rope or other transient retail business related equipment or accessories across any sidewalk.
- L. Block or in any manner restrict the use of sidewalk cuts maintained for the use of handicapped persons.

(Ord. 1198-97, 9/8/1997, §406)

### **§13-407. Signs.**

Any signs used in the course of conducting a transit retail business shall conform to the following:

- A. There shall be not more than one sign for each business or activity.
- B. Such sign shall not be placed freestanding on any sidewalk, street or other public property.
- C. Such sign area is not more than 2 1/2 square feet.
- D. Such sign shall not be internally lit.

(Ord. 1198-97, 9/8/1997, §407)

### **§13-408. Denial, Suspension and Revocation of License; Appeal.**

The Mayor is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provisions of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Public Safety Committee within 10 days after such suspension, revocation or denial.

The committee shall meet and render a decision on the appeal within 10 days of receipt of the appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 1198-97, 9/8/1997, §408)

**§13-409. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for not more than 90 days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 1198-97, 9/8/1997, §409; as amended by Ord. 1236-99, 12/13/1999, §2)



## **Part 5**

### **Solicitors of Contributions and Gifts**

#### **§13-501. License Required.**

From and after the date of the enactment of this Part, it shall be unlawful for any person to solicit contributions or gifts, either of money, merchandise, or any other thing of value, within the Borough of Gettysburg who does not have in his or her possession a valid license issued pursuant to the provisions of this Part. This provision shall not require the procurement of a license by any person who is engaged in the activities of religious proselytizing, political speech and the distribution of political handbills.

(Ord. 960-79, 5/15/1979, §1; as amended by Ord. 1282-03, 10/14/2003, §1)

#### **§13-502. Application for License.**

1. Except as provided in subsection 2 hereof, every person desiring to solicit within the Borough of Gettysburg shall first make written application to the Mayor for a license. The application shall set forth the name and address of the applicant, the name of the organization, if any, for which the applicant is soliciting and the address of that organization, the purpose for which the organization exists, and, if different, the purpose for which the contributions or gifts solicited within the Borough will be used and whether any such license previously issued to the Mayor may require, and shall be signed by the applicant in person. No license issued under this Part shall be transferable from one person to another. Applications shall be accompanied by the required license fee.
2. Upon application of payment of any required license fee, the Mayor shall make such investigation as he or she shall deem necessary to verify the information on the application is true and correct and to confirm that no license previously issued hereunder was ever revoked. Conditioned upon the verification by the Mayor of information on the application, the Mayor shall issue a license to the applicant within 5 days after the application has been made. [Ord. 1282-03]
3. In the case of any organization, the person or officer of the organization responsible for and in charge of such soliciting may make the applications for licenses for all persons who will solicit on behalf of such organization.

(Ord. 960-79, 5/15/1979, §2; as amended by Ord. 1282-03, 10/14/2003, §2)

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### **§13-503. License Must be Exhibited Upon Request.**

Solicitors shall exhibit their licenses upon the request of any official or police officer of the Borough, any person upon whose premises the solicitor enters or any person solicited. (Ord. 960-79, 5/15/1979, §3)

### **§13-504. Time Limit on Validity.**

A license issued hereunder shall be valid for a period of 30 days and may be extended by the Mayor for an additional 30 day period. (Ord. 960-79, 5/15/1979, §4)

### **§13-505. Fee.**

The fee required to be paid with the application shall be \$25 unless the solicitation is made for the purpose to solicit contribution of gifts for charitable, religious, political, patriotic, community or educational purposes, in which event no license fee shall be required. (Ord. 960-79, 5/15/1979, §5; as amended by Ord. 1282-03, 10/14/2003, §3)

### **§13-506. License May be Revoked.**

Any license issued hereunder may be revoked by the Mayor upon written notice to the licensee for misrepresentation or false statement contained in the application for a license or made in the course of solicitation thereunder or for violation of any law of the Commonwealth of Pennsylvania or of this or any other Borough ordinance. (Ord. 960-79, 5/15/1979, §6)

### **§13-507. Day and Time Limitations.**

No person licensed hereunder shall engage in soliciting within the Borough of Gettysburg at any time on Sunday nor upon any other day of the week before 9:00 o'clock a.m. or after 9:00 o'clock, p.m., prevailing time. (Ord. 960-79, 5/15/1979, §7)

### **§13-508. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 5 continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)

## **Part 6**

### **Taxicabs**

#### **§13-601. License Required to Engage in Business of Operating Taxicabs and Similar Vehicles.**

From and after the passage of this Part it shall be unlawful for any person to engage in the business of operating a taxicab or taxicabs and other vehicles for transporting persons for hire and soliciting business therefor upon the streets and highways and/or permitting their taxicabs to stand on or along the streets and highways of the Borough of Gettysburg for the purpose of soliciting or receiving passengers without having first obtained a permit or license therefor as hereinafter set forth. (3/6/1950, §1)

#### **§13-602. “Cruising” Prohibited in Congested Area of Borough.**

It shall be unlawful for any person operating a taxicab or other vehicle for the transportation of persons for hire in the Borough to engage in the practice known as “cruising” in that portion of the Borough designated in Chapter 15, §13-401 of these ordinances as now or as may hereafter be amended. (3/6/1950, §2; as amended by Ord. 114, 6/13/1968, §1; and by Ord. 1028-85, 8/12/1985)

#### **§13-603. Application for License.**

Any person, persons or corporation desiring to operate a taxicab and to use the streets of the Borough of Gettysburg in connection therewith as hereinbefore and as hereinafter set forth, may make application for a license therefor to the Mayor, setting forth therein a statement of the equipment to be used in said business, the use of the streets desired and such other and further information as the Mayor may require. Said application shall be accompanied by an application fee of \$20, which fee shall be deemed to be sufficient for investigating the facts surrounding the application and with particular reference to the desired use by the applicant of the streets of the Borough. (3/6/1950, §4)

#### **§13-604. Investigation of Requests for Taxi Stands.**

In the event the applicant desires to use a parking space or curblane of any street within said area as provided for in §13-602, as a taxi stand for making taxicabs available to the traveling public, his request therefor shall be referred to the Safety Committee of the Borough Council for approval or disapproval and for designating the selected space or spaces for the use of such applicant. (3/6/1950, §5; as amended by Ord. 114, 6/13/1968, §2)

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### **§13-605. Issuance of License; License Fee; Curb Telephones.**

When the Mayor has investigated the fact surrounding the application and has satisfied himself that the proposed operation of the applicant is not unlawful, he shall issue a license to the applicant upon payment of an annual license fee equal to and including said sum of \$20 plus the sum of \$200 for each parking space reserved for said applicant as aforesaid, provided that the Mayor at his discretion may accept said license fee in quarterly installments. Said license may provide for the installation and use of curb telephones to be approved by the Safety Committee upon proof that the owner of the property opposite such space or spaces consents to the use thereof. (3/6/1950, §6; as amended by Ord. 1/2/1968-A)

### **§13-606. Revocation of Licenses.**

The Mayor may revoke any license issued hereunder upon the conviction of the licensee of any offense under the laws of the Commonwealth of Pennsylvania or any ordinance of the Borough including this Part connected with such license or the business conducted thereunder. (3/6/1950, §7; as amended by Ord. 114, 6/13/1968, §3)

### **§13-607. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 6 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 6 continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1296-99, 12/13/1999, §2)

## **Part 7**

### **Yard Sales**

#### **§13-701. Definitions.**

The following words and phrases as used in this Part 7 shall have the following meanings and definitions:

PRIVATE AUCTION — the display for sale by auction of an assortment of any new or used furniture, sporting goods, fixtures, vehicles, equipment, food, clothing, metal, glass, paper, rubber, synthetics, household goods or rummage conducted upon private premises and conducted by the owner, resident, or other non-professional Auctioneer, whether compensated or not.

PRIVATE PREMISES — any dwelling house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, garage, basement, steps or vestibule belonging or appurtenant to such dwelling house, or other structure.

PRIVATE SALES — the display for sale, barter, or exchange of an assortment of any new or used furniture, sporting goods, fixtures, vehicles, equipment, clothing, or rummage conducted upon private premises, otherwise known as “Yard Sales”. The sale of not more than five items on a non-recurring basis such as an automobile, truck, trailer, boat, outboard motor, tractor, garden tractor, power mower, snow blower, piece of furniture or appliance and other similar large items are not included in the foregoing definition.

(Ord. 1004, 3/14/1983, §1)

#### **§13-702. Private Sales and Auctions to Conform.**

No private sale or private auction shall be conducted within the Borough of Gettysburg except in conformance with the provisions of this Part 7. (Ord. 1004, 3/14/1983, §2)

#### **§13-703. Permit Required; Zoning Officer to Issue.**

No private sale or private auction shall be conducted within the Borough of Gettysburg unless a permit shall have first been issued by the Zoning Officer permitting same and no permit shall be issued for more than two consecutive days. (Ord. 1004, 3/14/1983, §3)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§13-704. Hours of Sales.**

Private sales or private auctions conducted within the Borough of Gettysburg shall be between the hours of 9:00 a.m. and sunset on the days for which a permit is issued. (Ord. 1004, 3/14/1983, §4)

### **§13-705. Exemptions.**

Nothing herein contained shall apply to a sale held under a judicial order, judgment or decree, or a writ issued out of any court. (Ord. 1004, 3/14/1983, §5)

### **§13-706. Issuance Procedure.**

Upon filing written application with the Borough Zoning Officer stating the date and place where the private sale or private auction is to be conducted and the type of merchandise to be sold, together with the filing fee, the Borough Zoning Officer shall issue a sale permit authorizing same and the sale permit shall be displayed on the date of the sale in the proximity of the material being offered and in clear view from the street. (Ord. 1004, 3/14/1983, §6)

### **§13-707. Fee.**

There shall be a fee for the issuance of said permit in such amount as shall be fixed by resolution of Borough Council, from time to time. (Ord. 1004, 3/14/1983, §7; as amended by Ord. 1065-88, 2/8/1988; and by Ord. 1174-95, 1/9/1995)

### **§13-708. Periodic Limitations.**

No person, firm or corporation shall be issued more than two permits within a six month period; nor shall more than two permits be issued for any one location within a six month period. (Ord. 1004, 3/14/1983, §8)

### **§13-709. Penalties.**

Any person, firm or corporation violating any of the provisions of this Part shall pay a fine not exceeding \$600; and/or to imprisonment for a term not exceeding 90 days. (Ord. 1004, 3/14/1983, §9; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §13-2)

## **Part 8**

### **Cable Television**

#### **§13-801. Grant of Authority.**

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, there is hereby granted to the Company (Gettysburg TV Cable, Inc.), its successors and assigns, the right to erect, maintain, and operate television transmission and distribution facilities, and additions thereto, in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges, and other public places in the Borough of Gettysburg, and subsequent additions thereto for the purpose of transmission and distribution of audio and visual impulses of television energy and other services including but not limited to cable television, closed circuit television and two-way communications so long as all such services are provided in accordance with the laws and regulations of the Federal Communications Commission, the State of Pennsylvania and the ordinances and regulations of the Borough of Gettysburg upon the stipulations and conditions hereinafter contained. (Ord. 893-75, 1/17/1975, §1)

#### **§13-802. Use of Existing Pole Line Facilities.**

There is hereby granted the further right, privilege and authority to the Company to lease, rent or in any other manner obtain the use of towers, poles, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the limits of the Borough of Gettysburg, including the telephone and power company and to use such towers, poles, lines, cables and other equipment and facilities, subject to all existing and future ordinances and regulations of the municipality. The poles used for the Company's distribution system shall be those erected and maintained by the telephone and power company, when and where practicable, providing mutually satisfactory rental agreements can be entered into with said companies. (Ord. 893-75, 1/17/1975, §2)

#### **§13-803. Conditions on Street Occupancy and System Construction.**

1. There is hereby granted the further right, privilege and authority of Company to lease, rent or in any other manner obtain land or right-of-way to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution system, with the approval of locating poles by the Borough of Gettysburg.
2. The Company's transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements this Borough may deem proper to make, or to unnecessarily hinder or obstruct the free use of the

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streets, alleys, bridges or other public property; removal of poles to avoid such interference will be at the Company's expense.

3. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the Borough of Gettysburg, affecting electrical installations, which may be presently in effect.
4. All installations of equipment shall be permanent of nature, durable and installed in accordance with good engineering practices and of sufficient height to comply with all existing Borough regulations, ordinances and State laws so as not to interfere in any manner with the right of the public or individual property owner, and shall not interfere with the travel and use of public places by the public and during the construction, repair or removal thereof, and shall not obstruct or impede traffic.
5. In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the Company shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places made by the Company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during periods of dusk and darkness, shall be clearly designated by red warning lights. Any excavation or taking up of pavement, curbing or sidewalk shall be done only with the approval of the Borough, and shall be repaired by the Company.
6. In the event the Borough shall relocate a street, raise or lower a bridge or make any other changes requiring the removal or utility installations, the Company at its sole expense shall remove or relocate its installations at said locations.

(Ord. 893-75, 1/17/1975, §3)

### **§13-804. Indemnification and Liability.**

1. The Company shall indemnify, protect and save harmless the Borough from and against losses and physical damage to property, and bodily injury or death to persons, including payments made under any Workmen's Compensation Law, which may arise out of or be caused by the erection, maintenance, presence, use or removal of said attachments on poles within the Borough or by any act of the Company, its agents or employees. The Company shall carry insurance, to protect the parties hereto from and against all claims, demands, actions, judgments, cost, expenses, and liabilities which may arise or result, directly or indirectly from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to physical damages to property shall not be less than \$50,000 as to

any one accident and not less than \$50,000 aggregate in any single policy year; and against liability due to bodily injury or to death of persons not less than \$100,000 as to any one person not less than \$300,000 as to any one accident. The Company shall also carry such insurance as it deems necessary to protect it from all claims under the Workmen's Compensation Laws in effect that may be applicable to the Company. All insurance required by this ordinance shall be and remain in full force and effect for the entire life of this ordinance. Said policy or policies of insurance or a certified copy or copies thereof shall be deposited with and kept on file by the Borough Secretary. In addition, the Company shall indemnify the Borough and its officials and shall hold them and each of them harmless of and from any and all liability with respect to alleged copyright infringements, and with respect to the subject matter of any program transmitted by the Company.

2. The Company shall furnish bond to the Borough in the amount of \$25,000 which shall remain in full force and effect throughout the term of this ordinance, and all renewals hereof, to guarantee removal of all wires, poles, cables, conductors, fixtures and attachments upon termination of this franchise ordinance or upon the discontinuance by the franchisee of the operation within the Borough of the community antenna television system permitted by this ordinance to be erected, operated and maintained.

(Ord. 893-75, 1/17/1975, §4)

#### **§13-805. Prohibitions.**

1. Pay Television – The Company shall engage in the business of pay television, that is, the sale of programs on a program-by-program basis, only if permitted to do so under the Rules and Policies of the Federal Communications Commission and if authorized by the Borough of Gettysburg.
2. Television Sales and Service – The Company and its employees shall not engage in the sale, service, rental or leasing of television receivers in the Borough of Gettysburg.
3. Interference with Existing TV Reception – Installation shall be maintained so as not to interfere with TV reception already in existence.

(Ord. 893-75, 1/17/1975, §5)

#### **§13-806. Rates to Customers.**

The Company's initial charge for installation of a single residential television connection shall not exceed \$15 and the monthly subscriber fee for the service provided shall not exceed \$10.50 per month, plus \$2 for each additional television set connected to the cable by the subscriber. The charge for transfers and reconnections for the service provided shall not exceed \$15. No change in the rates authorized in this section shall be

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made by the Company unless authorized by the Borough of Gettysburg after an appropriate public proceeding affording due process. (Ord. 893-75, 1/17/1975, §6; as amended by Ord. 894-75, 2/12/1975)

### **§13-807. Complaints.**

The Company agrees to maintain a local business office or agent for the purpose of investigating complaints promptly with respect to the quality of service, malfunctions of equipment and other pertinent matters relating to its operations. Wherever feasible, the Company shall investigate and adjust complaints within 24 hours of their receipt. For the convenience of subscribers, the Company shall maintain a toll-free telephone service so that requests of the subscribers may be reported at all times without cost. (Ord. 893-75, 1/17/1975, §7)

### **§13-808. Compliance with Federal Regulations.**

The Company agrees to comply with all rules and regulations promulgated by the Federal Communications Commission modify or amend the provisions of Section 76.31 of its Rules and Regulations entitled, "Franchise Standards" such modification or amendment shall be incorporated into this ordinance within one year of adoption of the modification or amendment, or at the time of franchise renewal, whichever occurs first. (Ord. 893-75, 1/17/1975, §8)

### **§13-809. Franchise Fee.**

The Company shall pay to the Borough of Gettysburg, as a franchise fee, a sum equal to 5% of the Company's gross subscriber revenues per year from cable television operations in the community based upon monthly service charges rendered but not based upon charges for connections, disconnections and other charges which are normally non-recurring in character. Said payment shall be made annually, and within 30 days after the end of the Company's fiscal year. (Ord. 893-75, 1/17/1975, §9; as amended by Ord. 1081-89, 1/9/1989)

### **§13-810. Effective Date and Duration; Renewal.**

The rights hereby granted shall become effective upon the passage of this ordinance and continue for a period of 10 years. This agreement shall be renewed and extended for a 10-year term subject to the conditions and covenants contained herein and based upon the approval by the Borough of Gettysburg after a public proceeding affording due process to determine the Company's eligibility to continue to operate in the manner described herein. (Ord. 893-75, 1/17/1975, §10)

**§13-811. Assignability.**

The Company shall not assign its rights hereunder without the prior consent of the Borough of Gettysburg, which consent shall not be unreasonably withheld. (Ord. 893-75, 1/7/1975, §11)

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## **Part 9**

### **Horse-Drawn Carriages**

#### **§13-901. Definitions.**

The following words, terms and phrases when used in this Part shall have the meanings ascribed to the same as set forth in this Section, except where the context or usage of the same clearly indicates a different meaning.

**BOROUGH** — the Borough of Gettysburg, Adams County, Pennsylvania.

**BOROUGH COUNCIL** — the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

**CARRIAGE** — a horse-drawn vehicle used for transporting an operator and passengers. A wagon which is patently designed for the conveyance of cargo instead of passengers is not a carriage within the meaning of this Part.

**HORSE-DRAWN** — propelled by a horse or other equine that is controlled by an operator.

**MAYOR** — the Mayor of the Borough of Gettysburg, Adams County, Pennsylvania.

**OPERATOR** — the person who is in control of the horse and horse-drawn carriage.

**OWNER** — a person, company, corporation or association who owns a horse-drawn carriage and who has applied for a license issued pursuant to the terms of this Part.

**POLICE** — the Police Department of the Borough of Gettysburg or any properly authorized member or officer thereof in any other law enforcement agency having jurisdiction within the Borough of Gettysburg.

**PUBLIC BOARDING POINT** — the physical location or locations where the public may board a particular licensed horse-drawn carriage operation.

**TRANSPORT VEHICLE** — a trailer towed by a vehicle or a vehicle designed for the transport of a horse or horses.

(Ord. 1277-03, 8/11/2003, Art. I; as amended by Ord. 1318-06, 7/10/2006, §1)

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### **§13-902. License Requirement.**

1. No horse-drawn carriage shall be used or operated within the Borough by any person without the owner having first obtained a license issued by the Mayor for a horse-drawn carriage pursuant to the terms and conditions of this Part.
2. A license shall be required for each carriage. The license shall be prominently displayed on the rear of each carriage.

(Ord. 1277-03, 8/11/2003, Art. II; as amended by Ord. 1318-06, 7/10/2006, §2)

### **§13-903. License Application.**

The owner shall complete an application for a horse-drawn carriage license, which shall include the following information: the owner's name and address, the name and address of the owner's business, the owner's business telephone number, the names and addresses of all operators, a valid driver's license number for each operator, proof of insurance as required by this Part, a copy of veterinarian records for each horse, the numbers of any previous licenses issued by the Borough, and a photograph of each horse and of each carriage used in the owner's business. (Ord. 1277-03, 8/11/2003, Art. III)

### **§13-904. Testing.**

1. **Testing Requirement.** In order to obtain a license for the operation of a horse-drawn carriage each owner or his designee shall be tested by designated Borough personnel to determine his or her ability to operate a horse-drawn carriage in a safe manner. Once licensed, the owner shall be responsible for the competency of all horse-drawn carriage operators under his or her charge. The owner shall also be responsible to ensure that each carriage and horse used in their business meets the standards set forth herein. In addition to the requirement of procuring a license, the Borough also reserves the right to require testing of any owner or operator at any time or to inspect any horse-drawn carriage or horse at any time consistent with the standards set forth herein.
2. **Administration of Testing.** The test administered by the Borough shall include but shall not be limited to the following areas:
  - A. **General condition of carriage and harness.**
    - (1) All carriages shall be in a good condition with all wheels in good order and running free. The carriage shaft shall be inspected to ensure that the same is in a good condition.
    - (2) All harnesses shall be inspected for the condition of the leather, buckles and the proper fit on the horse.

- B. Operators shall be tested for their ability to harness a horse and hitch the horse to a carriage in a safe and competent manner. In doing so the operator must demonstrate an ability to harness the horse and make necessary adjustments for a proper harness fit. The operator shall also hitch the horse to the carriage and make all adjustments for a proper fit.
- C. Testing of operator and horse under stress conditions for safe and prudent operation.
  - (1) The operator shall maneuver through cone patterns which will show his or her ability to perform figure-eight, right-hand turns and left-hand turns, and maintaining a prolonged stop.
  - (2) The operator shall be required to operate the horse-drawn carriage in the maneuvers set forth in subsection (2)(C)(1) above while undergoing stress testing which may include, but is not limited to, the following items which could cause stress upon a horse: banners, balloons, rattling tin, black plastic, firecrackers, umbrellas, various noise makers, sirens, fuses and rolling inner tubes.

(Ord. 1277-03, 8/11/2003, Art. IV)

#### **§13-905. Insurance Requirements.**

- 1. As a condition to operating a horse-drawn carriage service within the Borough, the owner of a horse-drawn carriage service shall provide proof of insurance in at least certain minimum amounts as set forth from time to time by resolution duly adopted by the Borough Council. Such certificates of insurance shall name the Borough as an additional insured with the exception of any required workers' compensation insurance.
- 2. The owner shall provide general liability coverage on comprehensive general liability forms and shall provide coverage for premises liability, personal injury liability, products liability and horse's liability. Certificates of insurance shall also be provided for workers' compensation insurance. Insurance certificates evidencing all mandatory insurance requirements shall be filed with the Borough. Such certificates shall indicate the Borough as an additional named insured on each of the insurance contracts described in the certificates. All such certificates should also contain a clause requiring a 10 day notice of cancellation to the Borough prior to the cancellation of any insurance coverage.

(Ord. 1277-03, 8/11/2003, Art. V)

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### **§13-906. Annual License Term and Fee.**

1. Each license shall have an annual term of April 1 through March 31 of the subsequent year. Any license issued cannot be transferred or assigned to any other owner of a horse-drawn carriage service.
2. Upon application for a license and prior to issuance or renewal thereof, each owner shall pay to the Borough an annual license and testing fee in an amount to be established from time to time by resolution of the Borough Council.
3. No license shall be issued or renewed if the owner has not paid any and all fines and costs arising from enforcement of this Part or any of the ordinances of the Borough or if any licensing or testing fees under this Part are due and owing to the Borough.

(Ord. 1277-03, 8/11/2003, Art. VI)

### **§13-907. Standards of Operation.**

1. The Mayor shall promulgate rules and regulations necessary to maintain safe and efficient operation of horse-drawn carriages within the Borough. Such rules and regulations are subject to the review and approval of the Public Safety Committee of the Borough Council. The Mayor may from time to time designate streets and/or areas where horse-drawn carriages may not be operated. Such designation is subject to the review and approval of the Public Safety Committee of the Borough Council.
2. The Mayor may from time to time designate certain areas as pull over stop areas. An operator shall be required to stop at the designated pull over stop area to allow motor vehicle traffic to pass.
3. Designated pull over stop areas are as follows:
  - A. On the west side of Baltimore Street in front of the Adams County Courthouse.
  - B. On the west side of Baltimore Street in front of the Prince of Peace Church.
  - C. On the east side of Carlisle Street north of the railroad crossing.
4. All operators shall only use designated boarding points for the loading and unloading of passengers unless special arrangements have been made in advance for the loading or unloading of a passenger at another location.
5. Designated boarding points are as follows:

- A. On the west side of Baltimore Street at a location between Zerfing Alley and West Middle Street at the curb along Baltimore Street within the designated metered parking spaces.
- B. On the east side of Baltimore Street at a location between Lefever Street and Locust Street at the curb along Baltimore Street within the designated metered parking spaces.
- C. On the west side of Baltimore Street at a location south of the intersection of Baltimore Street and South Street at the curb along Baltimore Street within the first two designated metered parking spaces.

[Ord. 1283-03]

- 6. The operator of any carriage parked in a designated space for metered parking shall be required to either deposit such coins in the designated meter for the space as set forth upon such meter or shall reserve such metered parking space(s) pursuant to Chapter 15, Part 7B of the Code of Ordinances.
- 7. The Mayor may from time to time set operating times for horse-drawn carriages that are consistent with the public health, safety and welfare. In no event, however, may a carriage service be operated between the hours of 12:00 midnight and 8:00 a.m.
- 8. The enforcement of the provisions of the standards of operation shall be made by the Borough police.

(Ord. 1277-03, 8/11/2003, Art. VII; as amended by Ord. 1283-03, 12/8/2003)

#### **§13-908. Carriage Standards.**

- 1. All horse-drawn carriages when in use shall comply with the following standards:
  - A. Each horse-drawn carriage shall display adequate headlights, taillights and turn signals in accordance with the Pennsylvania Motor Vehicle Code.
  - B. Each horse-drawn carriage shall display a reflectorized slow-moving vehicle emblem.
  - C. Each horse-drawn carriage shall display a light or reflectors on carriage shafts that shall be visible to the side of the carriage during operation after dark.
  - D. No horse-drawn carriage will be operated with more than six adult passengers nor more than six children under the age of 12 and one adult passenger. No horse-drawn carriage will be operated exceeding any manufacturer's recommended safe seating capacity for the carriage being used.

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- E. The horse-drawn carriage shall be pulled by a horse that has been sized appropriately for the seating and weight of the carriage. Horses weighing at least 800 pounds can pull carriages containing up to two passengers. Horses weighing at least 1,100 pounds can pull carriages containing up to four passengers. Horses weighing at least 1,400 pounds can pull carriages containing up to six passengers. For purposes of this provision, a passenger is defined as an adult individual weighing 100 pounds or more.
- F. No carriage may be wider than eight feet which measurement would include fenders, running boards and all mirrors and safety devices.
- G. All carriages shall be equipped with working brakes.

(Ord. 1277-03, 8/11/2003, Art. VIII)

### **§13-909. Horse-Care Standards.**

- 1. The owner of each horse-drawn carriage shall be responsible for compliance with the following horse-care standards:
  - A. Each horse must be fitted with a device to catch all manure when the horse is inside the shafts of the carriage.
  - B. Each horse must be attended at all times by an operator. An operator shall be either in his or her designated seat on the carriage with reins in hand or, if off the carriage, the operator shall stand at the horse's head and shall hold the horse by its head with a lead line.
  - C. The operator shall be seated in the carriage while holding the reins at all times when passengers are boarding, disembarking or when passengers are seated in the carriage.
  - D. Each horse shall have received a valid health certificate from a licensed veterinarian and immunization record for the horse shall be filed with the Borough annually. Immunizations shall include, but not be limited to, tetanus, rabies, influenza, rhino and EW Encephalitis. Each horse shall also have proof of a negative Coggins test which shall also be filed with the Borough.
  - E. No owner or operator shall subject any horse to any cruel or harassing treatment and no horse shall have obvious signs of emaciation, malnutrition or exhaustion.
  - F. Rubber mats for the horse to stand when the carriage is not in operation shall be used at each designated boarding point station.

(Ord. 1277-03, 8/11/2003, Art. IX)

**§13-910. Operator Standards.**

1. The operator of a horse-drawn carriage shall:
  - A. Comply with all State and Borough traffic laws applicable to motor vehicles.
  - B. Possess a valid driver's license.
  - C. Provide the Borough with a written certification from the owner of the horse drawn carriage that the operator is qualified to operate a carriage.
  - D. Require all passengers to be seated except when boarding or disembarking.
  - E. Not operate horse-drawn vehicles at times when the sum of the Fahrenheit temperature and percentage of relative humidity is higher than 170.
  - F. Flush all liquid waste from the horse with water and then spray the affected area with a solution of one part bleach to five parts water to eliminate all noxious odors and bacteria. Operators shall drive the carriage route after each business day to ensure that all waste from horses is removed from the public streets and sidewalks of the Borough.
  - G. Be in control of the horse at all times either by holding the horse by its head or seated in his or her designated place in the carriage with reins in hand.
  - H. Provide his or her driver's license upon demand of any Borough official or any police officer of the Borough.

(Ord. 1277-03, 8/11/2003, Art. X)

**§13-911. Suspension or Revocation of License.**

1. The Mayor may order that any license issued under this Part be suspended where a licensee fails to comply and maintain compliance with all the laws, ordinances or regulations of the Borough. Further, the Mayor can deny the privilege to apply for a license renewal after expiration of the license term.
2. Following a determination that the grounds for nonrenewal, suspension or revocation of a license exists, the Mayor shall notify the owner of the action to be taken and the reason for the action taken. Such notification shall be in writing addressed to the owner operator in question and shall contain the following information:
  - A. A description of the violation which has been found to exist.

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- B. A statement that the license for operation shall be either suspended or revoked or will not be renewed for the next license year beginning April 1. In the case of suspension or revocation, the notice shall state the date upon which the suspension or revocation will commence and in the case of suspension shall also state the duration of said suspension.
- C. A statement informing the owner that he or she has a right to appeal the decision suspending, revoking or declining to renew the license to the Public Safety Committee of the Borough Council by submitting in writing to the Borough Secretary, within 10 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reasons alleged as to why the decision of the Mayor is in error and should be overturned and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefrom by the Borough to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by resolution of the Borough Council.
- D. The Borough shall send a notice of the hearing before the Public Safety Committee which shall be in writing and shall be provided to the appellant a minimum of three days prior to the date that the hearing has been scheduled. Such notice shall state the time and place where the hearing shall be conducted.

(Ord. 1277-03, 8/11/2003, Art. XI)

### **§13-912. Violations and Penalties.**

- 1. It shall be unlawful for any owner to operate or to permit the operation of a horse-drawn carriage without a valid license issued by the Borough authorizing such operation. It shall be unlawful for any owner to allow the operation of a horse-drawn carriage where such operation does not comply with the standards set forth herein.
- 2. Any violation of this Part shall constitute a summary offense, punishable upon conviction thereof by a district justice by a fine not to exceed \$600 plus costs of prosecution or, in default of payment of such fines and costs by a term of imprisonment not to exceed 30 days. Each day of violation shall constitute a separate and distinct offense.
- 3. The penalty provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive, separate remedies all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in

the case of a violation of any other code or ordinance of the Borough, whether or not such code or ordinance is referenced in this Part or whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for finding a violation of this Part.

4. If a horse-drawn carriage service is owned by more than one person in any form of joint ownership, such as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for violation of this Part.

(Ord. 1277-03, 8/11/2003, Art. XII)